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THE LAUSANNE TREATY

SHOULD THE UNITED
STATES RATIFY IT?

Discussed by

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REV. ALBERT W. STAUB
PROF. A. D. F. HAMLIN
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HENRY W. JESSUP

and others

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THE LAUSANNE TREATY

SHOULD THE UNITED STATES RATIFY IT?

MR. JAMES G. McDONALD, *Chairman*

THE CHAIRMAN

THE discussion to-day is on the merits and demerits of the Lausanne Treaty, recently negotiated by our Government with the Government of Turkey. The question is: Should that Treaty be ratified? It is to be an American discussion from the American point of view and with American speakers. I emphasize this, not to suggest that we are not interested in the Greek, the Turkish, and the Armenian viewpoints, but because this problem is for us to-day an American problem. It will be up for decision as soon as the State Department sends the Treaty to the Senate. It will require from us a definite political answer. Therefore, much as we are interested in foreign viewpoints, our discussion to-day is to be primarily American.

I have been asked to do a very difficult thing, to sketch in three or four minutes the background out of which the Treaty of Lausanne grew. This would be easy were I not laboring under the imperative injunction to be absolutely impartial. How can one avoid the charge of partiality, when almost any statement in reference to Turkey will be characterized by one group or the other as untrue or at least inaccurate? Perhaps, by limiting my remarks to a bare and unadorned narrative of a few of the chief events during the last decade, I may hope to maintain my reputation for impeccable evenhandedness as chairman.

In October, 1914, Turkey entered the Great War on the side of the Central Powers and like them was decisively defeated. As a result, August 10, 1920, she accepted the Treaty of Sèvres. This humiliating peace gave an international status to the Straits and to Constantinople, handed over Smyrna and the immediate hinterland to Greece, created the Armenian Republic and divided the rest of the Turkish Empire, except a portion of Anatolia, among the various Powers as mandated territories, or into semi-independent states.

A few months earlier, January 28, 1920, a group of Nationalist leaders in the Parliament at Constantinople signed what they called the National Pact, a virtual Declaration of Independence. This document formally repudiated: (1) the Capitulations under which the representatives of the Great Powers had exercised extraterritorial jurisdiction in Turkey; (2) the Ottoman Public Debt Administration; and (3) all other "judicial or financial restrictions of any nature which

would arrest our national development." Recognizing this, that the most important Turkish imperial possessions were lost permanently, the authors of the Pact demanded that Cilicia, Mosul and Western Thrace, together with complete control of Constantinople and the Straits, be restored.

Within three months the Grand National Assembly set up its government at Angora and began to exercise jurisdiction over the unoccupied portion of Anatolia. Then under the leadership of Mustapha Kemal Pasha, the Nationalists began active military operations against the forces of the Allies. By October, 1920, the Armenian Republic was over-run and crushed, the British had returned to the Ismid Peninsula, the Italians to Adalia, while the French were withdrawing from Cilicia.

During the spring of 1921, separate treaties with Russia, Italy and France ended most of the military operations, gave formal diplomatic recognition to the Nationalist Government and legalized most of its territorial gains. Now followed the long-drawn-out struggle with the Greeks, which culminated in the destruction of a large part of the Greek forces, the evacuation of Smyrna, and finally, the Armistice of Mudania, October 10, 1922.

Three weeks later the Sultanate was abolished and a republic declared. Thus, in little more than two years the military and political victories of the Angora Government—I purposely have omitted any reference to the part said to have been played by some of the European powers in abetting these successes—tore up the Treaty of Sèvres. Recognizing this fact, the Allies consented to negotiate for a new treaty at the first Lausanne Conference which opened November 20, 1922. This effort failed after a few months because of differences of opinion about economic, fiscal and judicial terms. It was followed by the second Lausanne Conference beginning April 22, 1923. Out of these negotiations, often enlivened by peremptory, but usually empty and futile ultimatums, came the Treaty of Lausanne between the Allies and Turkey. A few weeks later our Government signed a similar but not identical treaty with the Angora Government. It is this Treaty which we are to discuss today; and at this point I leave the discussion for the speakers.

The Honorable James W. Gerard will speak first for twenty minutes, to be followed by Professor Earle of Columbia University, speaking for a similar length of time—an exactly similar length of time. Ambassador Gerard is then to read a letter from Professor Hart of Harvard, (who was to have been here but unfortunately could not come) and after that Dr. Staub, who has just returned from the Near East, is to speak for ten minutes. Professor Hamlin of Columbia University will speak next for fifteen minutes and then Dr. Barton will speak for another fifteen, giving us an hour and a half of discussion. The rest of the time will be given over to questions and answers.

It would be gratuitous to introduce to a New York audience the first speaker. You all know Mr. Gerard as a distinguished citizen of New York, as Ambassador to Berlin during a very critical period and as the Chairman of that Committee which has worked so valiantly for the independence of Armenia. It is a pleasure to introduce former Ambassador Gerard. (Applause.)

MR. CHAIRMAN, ladies and gentlemen: We first hear in history of the Turks about the third century as a Mongoloid, nomadic race. In the succeeding eight centuries, following that curious impulse which seems to drive all war-like peoples toward the West, they invaded Europe, on their way gradually absorbing the ancient Greek Empire, the great empire of the Caliphs, and those territories that now constitute Bulgaria, Rumania, Serbia and Greece, all of them occupied by Christian populations.

They embraced the religion of Mohammed, first having made their entrance as mercenary guards at the Courts of the Caliphs at Bagdad.

Now, that system of government which they introduced was a government by force, an exploitation of conquered peoples. As Gladstone said: "From the first black day when the Turks entered Europe, they became the great anti-human specimen of humanity. Wherever they went, they left a broad track of blood. Wherever their dominion reached, civilization ceased. They represented the rule of force, as against the rule of law. Their guide in this life was a relentless fatalism, and their reward after death a sensual paradise."

They had nothing in common of race or religion or government with these people whom they conquered and exploited. In the administration of the law, as they had adopted the Koran, they followed the custom of the Islamic Empire, and their administration of law was semi-religious, that is to say, the oath of a Christian as against that of a true believer, amounted, and amounts today, to very little in the Courts of Turkey.

Professor Gottheil of Columbia, who is here, very kindly gave me a copy of a speech made only the 18th of February last, by Kemal Bey, (I don't know whether he is any relation to Kemal Pasha, the present head of Turkey, or not), in which, speaking of the domain of law at present in Turkey, he says that "a capital reform is necessary in all branches of law in Turkey. There are vestiges of clericalism and theocracy and new Turkey must make up its mind to remove these two obstacles from all branches of law."

It may interest you ladies to know that, according to the law of the Koran, it takes the oaths of two women to equal that of one man.

Ambassador Straus, speaking not long ago, said that the Capitulations were necessary where an even-handed and well-administered system of justice was absent, and he said that in Turkey justice was sold to the highest bidder, and that a nation does not turn over a new leaf over night.

Now, it was because of this attitude that what we call the "Capitulations" came into being. The Capitulations were something not wrung from the Turks by diplomacy or by war, but, in order to induce Christian nations to trade, they said "your causes may be tried when they are against Turks in consular tribunals established by you," and those Capitulations were abrogated by the Turks in 1914 at the commencement of the Great War.

Turkish power began to decline when they first met defeat, a great defeat, at the hands of the Russians in 1774, and then gradually in the Nineteenth Century, as you all know, and largely by the aid of Russia,

those subject Christian peoples which were on the European side, were gradually freed from Turkish rule.

You remember how Lord Byron and the English Volunteers went to the aid of the Greeks, and how a veritable crusade of the nations of Europe freed Hungary from the rule of the Turks and drove them from under the walls of Vienna; and Rumania and Bulgaria and Servia were all established. But the Christian community of the Armenians, lying in the mountains to the east of Asia Minor were not freed by this gradual interference of the Christians of Europe in favor of those who were oppressed and massacred and exploited under Turkish rule.

When the Great War broke—the World War—the Armenians took a strong stand, those outside of the Turkish Empire, on the side of the Allies. Two hundred thousand of them fought. When the Russians abandoned the Caucasus front, they held it. General Allenby is a witness to the splendid aid which they gave to the Allied cause. And you all remember the fourteen points of President Wilson, the promises made by the Allies that Armenia should be free, and the Treaty of Sèvres which established an Armenian Republic.

It has been said that we never took any political action on behalf of the Armenians. We did two things. We were asked to delimit the frontiers of the new Armenia, and President Wilson did in fact delimit those frontiers, and we did officially ask delay at a time when the Allies, France and England, were about to send troops into this new Armenia—we asked delay—as Lloyd George said in making a speech in the British Parliament. Those were two official acts which put on us a certain responsibility toward the Armenians.

But the Treaty of Sèvres was signed and then afterwards, as you know, and as you have heard your Chairman state, there came this wave when the Greeks were driven back, and finally the Turks faced General Harrington in the lines at Constantinople. Their army was not as great as some people would have you believe, because the British, with 20,000 men, faced them there, and faced them successfully.

The French gave aid to the Turks, the Italians gave aid; they sent them arms and ammunition, and with these arms and this ammunition, they were able to drive back the Greeks, commit the great massacres and the burning of the celebrated business town of Smyrna. Then later on came the Conference at Lausanne, meeting in the autumn of 1922. A treaty was made then with Great Britain, with France, with Italy, and this Treaty now proposed to the American people follows the lines of that treaty. In the meantime and while this Conference was in session, this question of the Chester concession came up, a concession to those whom the Turks themselves now call American adventurers, a concession which has since been sold for the miserable sum of \$300,000, and 10 per cent of the profits to the Canadians. And the pity of it was that this concession included a concession as to oil for that part of Armenia which the United States, through President Wilson, had delimited and laid down as the property of the new Armenian Republic.

I believe that Secretary Hughes and the State Department—and understand that I have the greatest admiration and respect for Secretary Hughes and for the State Department of which I once was a part—I believe simply that in this matter they are erring in judgment.

They remind me of the man who once beat his wife with the frame of a motto on which was embroidered "God save our home."

In the autumn of 1922, our "unofficial observer," Ambassador Child, stood up for the rights of American citizens, stood up for these Capitulations and even said something, rather faintly I admit, in favor of Armenia.

And then the scene changed. In April, 1923, this Chester concession was granted. Secretary Hughes said, in making his speech here, that at no time was the position of America affected by the Chester concession. It is only a few days ago, five days ago, that Ismet Pasha, the Turkish Minister of Foreign Affairs, and their principal delegate at Lausanne, severely attacked the opposition leaders and former Premier Raouf Bey, who, he said, gave half of Anatolia to two adventurers without capital, which caused serious difficulties at Lausanne, nearly plunging the country again into war.

Now, who really caused the serious difficulty at Lausanne? The Chester concession was opposed by France, by Italy and by Great Britain. The serious difficulty that he speaks of could only have been caused by the representatives of the United States, and after the concession was granted in April, this Treaty was agreed upon by which we abandon the rights of American citizens, by which we abandon all chance of doing anything for the people of Armenia, to whom we were committed by two political acts of this country, even if we do not consider ourselves committed on the side of Christianity and of right doing in the world.

It is said that there are certain institutions, American educational institutions, that will suffer. We read only a few days ago, in the newspapers, that six of these have been compelled to close. And to show you how they will carry out this treaty, Article 38 of the Lausanne Treaty reads: "*The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language or religion.*"

And I read from the *New York Times*—I think this clipping is of to-day—"TURKS SEGREGATE RACIAL MINORITIES:—They establish zones forbidden to Arabs, Armenians, Georgians and Greeks. It now appears that the creation of a forbidden zone for Armenians forms only a part of a comprehensive scheme for dealing with the non-Osmanli elements in the population of Turkey."

That is the way that the Turks, even before it has been ratified by the Senate, are carrying out the terms of the Treaty of Lausanne, and only on March 24 last, Secretary Hughes, in order to obtain protection for these institutions in Turkey, was obliged to threaten the Turks that he would withdraw this Treaty from consideration by the Senate.

These institutions are noble works. Missionaries have devoted themselves there to the Christian people. They never convert Moslems to Christianity. You will hear on one side, Dr. Barton, perhaps, speak in favor of the Treaty, but I would like to ask Dr. Barton if it isn't a fact that he wrote a letter to Mr. Everett P. Wheeler, who sits at this table, saying that he did not think that such a treaty could ever be ratified; and you will hear today from Professor Hamlin of Columbia University, the son of a missionary; Mr. Henry W. Jessup, distinguished

lawyer of this city, the son of another missionary, all opposed to this Treaty which gives away the rights of American citizens in Turkey, which subjects them, as these articles which I have here from the papers say, to enormous taxes being placed upon the schools—"Y. M. C. A. being closed—Stamboul Y. M. C. A. shut by the Angora Ministry. Entrances are sealed and admittance is refused Secretaries."—I am reading again from that very fine newspaper, the *New York Times*.

That, even before this Treaty is submitted to the Senate, is the condition of mind of the Turks with reference to these institutions. If we want to educate the Christian population, we have to go outside of Turkey because they are being driven out—those who are left alive.

Do you realize that General Harbord, head of the Mission which went from this country to Turkey, states that 800,000 Armenians were massacred, men, women and children, in cold blood, and do you know that in this sweep when the Turks came through Asia Minor and burned Smyrna that probably a million Greeks fell victims to Turkish cruelty and rapacity?

Now, why this haste to make a treaty with this government? With these people whom Secretary Hughes, himself, speaking at the Plaza Hotel only a short time ago, characterized as murderers. Even from the side of policy, we had better wait. That is not the régime of anything but one group of adventurers who have seized upon the power. They have driven out the Caliph, the head of their church, and the young Turks in possession of Constantinople and the Moslem priesthood will some day see to it that another rule is substituted for that of these adventurers. There is no haste about it. Their revenues fall far below their expenditures. The people are starving in Anatolia. A change will come.

Why not wait? Why not see whether the Turkish Government will establish some system of law which will not, as Ambassador Straus said, sell its justice to the highest bidder, so that our people there have some protection?

For nineteen years after we became a nation, we remained without a treaty with Spain. It was fifty-two years before a treaty was signed with Russia by President Buchanan. You all know how in recent years, we have refused for a long period to recognize the Government of Mexico, and certainly we have a thousand times more interests of American citizens to protect in Mexico than in Turkey.

Greece has not yet been recognized by us, and she has remained unrecognized for a number of years. We still refuse to recognize the Soviet Government of Russia, because they have not paid their debts. Why, then, should we recognize this government of murderers? Why this haste? Let us wait; see what their conduct will be; see whether their government will survive; not hasten to recognize this anaemic murderers' government of Kemal Pasha? (Applause.)

THE CHAIRMAN: Ambassador Gerard has done me a great favor. He has kept well within his time, fully a minute and a half. I have just calculated that if his excellent precedent is followed by all the speakers, and if the Chairman can refrain from "brilliant" *ad interim* remarks, we shall finish the main discussion in the allotted time, an hour and a half.

The next speaker, who, I suspect will differ somewhat from Ambassador Gerard on some points, is Professor Edward Mead Earle, of Columbia University, the author of "Turkey, the Great Powers and the Bagdad Railway." He has made a special study of the many questions related to the Lausanne Treaty. (Applause.)

PROFESSOR EARLE

MR. CHAIRMAN, before resuming the discussion in direct presentation regarding the actual features of this Treaty, I should like to make one or two remarks, with Mr. Gerard's permission, apropos of a statement or two of his.

While it is true that some two weeks ago, the Stamboul branch of the Y. M. C. A. was closed by the Turkish authorities, and while it is also true that the American Nurses Training School at Constantinople was closed for a time by the Turkish authorities, I have been informed by the Department of State within the last two days, that those institutions have been reopened and that there are now no American institutions in Turkey with closed doors as the result of action by the Turkish authorities.

In the second place, regarding recognition of this present Government, we have in fact already recognized it because we have had at Constantinople since the Armistice of 1918, a High Commissioner in the person of Admiral Bristol. In other words, we have diplomatic relationships of an informal character at the present time with the existing Turkish Government.

Now, in introducing the subject of the ratification of the Treaty from the standpoint of one who believes that the Treaty ought to be ratified, it seems to me appropriate to point out at the start that if we had within our power the weapons with which to compel Turkey to sign any treaty which we chose, it is quite obvious that we could not obtain unanimity of opinion or anything approaching unanimity of opinion in the United States regarding the character of such a treaty. If this audience were to determine, itself, exactly what the treaty should be, I dare say you would have almost as many differences of opinion as there are persons in the audience. Therefore, to expect to find a perfect treaty from the point of view of the great mass of American public opinion is asking entirely too much.

We must consider, in connection with this Treaty, the circumstances under which it was negotiated. What were the determining factors in the negotiation of the Treaty? In the first place, the American delegation at Lausanne was faced with actual conditions, conditions which they had to take into consideration in the determination of the terms of the Peace. Those conditions essentially were these: that regrettable as many features of the history of the Near East from 1908 to 1923 were, no action of the American delegation at Lausanne could have unmade that history. In the second place, they had to take into consideration that nothing that they did could retrace the steps which the United States Government officially had taken between 1917 and 1923 regarding Turkey. They could not amend the fact that we had never been at war with Turkey. They could not amend the fact that the decision to land Greek troops at Smyrna was taken with the approval of President Wilson. They could not amend the fact that our dele-

gation did not participate in the making of the terms of the Treaty of Sèvres. Finally, they could not amend the fact that we refused to accept a mandate for Armenia in 1920.

In the next place, they were faced with the actual fact that the Allied Powers had previously made a treaty with Turkey which renounced the régime of the Capitulations and the various other extraterritorial rights which foreigners had enjoyed in Turkey before the Conference of Lausanne. They had to take into consideration also the fact that if they made a treaty which did not bolster up the claims of the Armenians to special recognition, that they would receive criticism in the United States from the friends of Armenia, and if they made a treaty which did guarantee American participation in the establishment of an Armenian Republic, that they likewise would have received serious criticism from persons in the United States who believed that under no circumstances the United States should become entangled in European affairs, much less Asiatic affairs. In other words, the difficulty of the American delegation was a very serious one from that point of view.

It is not claimed, I take it, by many persons that this Treaty is a perfect treaty. There have been few perfect treaties in the history of international relations. But even an imperfect treaty, and I am not prepared to admit that this Treaty possesses serious imperfections, would have been better than no peace at all in this particular region of the world.

It is necessary to remember that for fifteen years now, from 1908 until 1923, there has been almost uninterrupted war in the Near East. As Mr. Gerard rightly said, war has brought terrible sufferings upon the Christian populations of the East, and no right-minded American will condone in the least the action of the Turkish officials in thus persecuting Christian populations. At the same time, however, no intellectually honest American can overlook the fact that the sufferings of war were visited upon all the peoples of the Near East, Moslem as well as Christian.

In the Balkan Wars of 1912 to 1913, more than 400,000 Turks were driven out of Thrace and Macedonia by the invading Balkan armies. In the Russian invasion of Anatolia in 1915 and 1916, more than 800,000 Turks were driven out of their homes in northern and eastern Anatolia, and Ismet Pasha said at Lausanne that there were actually in Turkey a million Moslem refugees without homes. These facts are not cited by way of exonerating the Turkish Government from any of the charges which have been leveled against it, but rather by way of making clear that Americans and Europeans who are very much detached from this situation as far as their personal safety is concerned, should not take any action which would tend to perpetuate that state of war in the Near East—war which is fought not only with the so-called civilized weapons of warfare, but with every weapon of expropriation, vandalism, massacre, disease and all the rest of it. In other words, a peace is needed in the Near East, even an imperfect peace being preferable to none.

However, this Treaty is not seriously imperfect in detail. I believe that the settlement of Lausanne, the Allied Treaty and the American Treaty, taken together—and, as Mr. Gerard has said, they must

be taken as part and parcel of the same settlement—constitute the best settlement which has been made in Near Eastern history for a period of more than 150 years. That statement obviously requires explanation, and it is with a view to explaining the statement that I wish to point out some of the particular provisions of the Treaty.

In general, the opposition to the ratification of the Treaty is based upon one of two grounds: either that our rights have been ignored or that our responsibilities have been evaded. Now, what is the position as regards both of these points of view? In the first place, regarding American rights in Turkey, it is true that the Capitulations under the terms of the Turco-American Treaty of Lausanne are abandoned. That is unquestionably a surrender of rights which Americans formerly enjoyed in Turkey. At the same time, however, refusal of the American delegation at Lausanne to recognize the situation as it was would not have preserved those rights. The rights were gone in fact. When the Allies abandoned the Capitulations under the terms of their treaty of July 24, 1923, there is good reason for believing that American rights under the terms of the treaty of 1830 also went, inasmuch as in part those rights were assured to Americans only in so far as they were assured to foreigners. That is a technical, legal point which I am not prepared to press further. But in any case, the choice of the American delegation was either to recognize the *de facto* abandonment of the Capitulations under the terms of the Allied treaty, or to insist upon their legal maintenance and in the last analysis to fight for their maintenance.

At the same time, it ought to be pointed out that the abandonment of Capitulations is becoming a fairly well-established procedure in the relationships between great powers and small powers. For example, in 1921, the United States abandoned its privileges under extraterritorial rights in Siam, and it is my understanding that the American Missionaries in China, at the present time, are circulating a petition asking the American Government to abandon its rights under Capitulations in China as well. In other words, this surrender of the extraterritorial rights of Americans in Turkey is not as serious as at first seems to be the case.

On that one point of the Capitulations, the Turks were obdurate, and they would not have accepted any treaty which insisted upon the continuance of the Capitulations. You will recall that the first Lausanne Conference broke up on that very point. The Turks were willing to fight rather than to accept the continuance of the régime of the Capitulations. Whether the European Powers and the United States or any of them could have defeated the Turks on that issue, is not the question. There was not one of those Powers which was willing to fight about the issue, and there is none now which is willing to fight about the issue.

Now, as regards American economic rights under the Treaty. This Treaty, as far as American economic rights are concerned, is in many respects better than the preceding treaties. The Capitulations for business men, of course, are abandoned; but inasmuch as the Capitulations for all foreign business men are abandoned, American business is at no relative disadvantage as regards other business. In other words, American business men are allowed to continue in Turkey upon

the same terms as any other foreigners. Furthermore, the Treaty provides that American corporations shall have the right to hold property in their own name, which was not provided by any previous treaty between the United States and Turkey.

All of the provisions of the economic sections are based upon the most-favored-nation principle. In other words, the United States and its citizens are guaranteed the same rights within Turkey as any of the nationals of the Allied powers, and it is difficult to see, first, upon what basis we could demand more than other foreigners within Turkey, and second, upon what basis the Turks would be willing to give up more than they are willing to grant other foreigners. If the Turks did so grant us more than they granted other foreigners, what would be the attitude, in turn, of the other foreign countries regarding the general diplomatic policy of the United States?

Under the terms of the Straits' Convention which form part and parcel of this Treaty, American merchant ships are allowed to pass through the Straits in time of war as in time of peace, with the single exception of a war between the United States and Turkey, in which case, of course, American ships would be subject to seizure. Before the adoption of the Lausanne Treaty, the Turks had the right to close the Straits at will. That is not a feature, however, of the present settlement, and the Turks are compelled to keep the Straits open in time of war. That they can not arbitrarily close them legally is obvious under the terms of the Treaty. That they can not close them arbitrarily by force is obvious when one considers the fact that the zone of the Straits, including the Dardanelles, the Sea of Marmora and the Bosphorus, is to be completely demilitarized with the exception of a small garrison for Constantinople.

It is a significant thing to note that American business men generally are in favor of the ratification of the Treaty, that is, those American business men in Turkey. I have here a letter from an American business man in Constantinople who says "naturally there are many interests which would be served by the non-ratification of the Treaty, among them our European competitors for trade here. Of late we have equalled or exceeded British imports; and if the new British Parliament ratifies and we do not—and all of the Allies will ratify sooner or later—we shall be placed at a great disadvantage nationally, and individually shall have a hard time to get along."

It has been frequently stated by opponents of the Treaty that American trade with Turkey in any case is next to valueless. This does not conform with the facts. In 1900, American exports to Turkey amounted to only \$50,000. In 1913, they had risen to \$3,500,000, and in 1920, to \$42,200,000. Imports into the United States from Turkey, including certain important raw materials, increased from \$22,100,000 in 1913 to \$39,600,000 in 1920, and from 1919 to 1922, American trade with Constantinople alone exceeded \$30,000,000 a year. While one can not say, of course, that the ratification of this Treaty will lead to an increase of American trade with Turkey, one can say with assurance that the rejection of the Treaty will not promote an increase of American trade with Turkey.

Now, as regards the Chester concession, it ought to be said that most persons of an anti-imperialistic turn of mind, among whom I

include myself, have no sympathy and would have no sympathy with a treaty the terms of which were determined in part or in whole by the interests of the Chester concession. But there is no evidence whatsoever in this Treaty that it was negotiated in return for any economic *quid pro quo* such as the Chester concession, and Secretary Hughes, as Mr. Gerard has said, has specifically denied that such is the case.

The discussion of the Treaty in relation to American missionary and educational institutions I am going to leave to Mr. Staub, who has just returned from Turkey after a survey of those institutions and who represents their point of view infinitely better than I could.

As regards the minorities in Turkey, the United States has never officially signed any treaty guaranteeing the rights of the Armenians. That does not indicate that we ought not to, but it is a precedent which must be taken into consideration. The Allied Treaty with Turkey provides that the minorities shall be guaranteed certain liberty of religion and education and language, as Mr. Gerard has said, but there is in this treaty a highly significant provision.

"Turkey agrees," reads the treaty, "that these provisions"—this is in the Allied Treaty, not in the American Treaty—"that these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League. Any member of the Council shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations and the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

"Turkey further agrees that any differences of opinion as to questions of law or of fact arising out of these articles shall be held to be a dispute of international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such disputes shall, if the other party thereto demands, be referred to the Permanent Court of International Justice, and the decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant."

There has never been a provision in any treaty regarding the Near East which has been more definite than that and which has placed the enforcement of the rights of the Armenians under international law rather than under the arbitrary will of any great power.

Now, there is nothing in our signature of the Treaty which will prevent that particular provision going into effect. If in addition to that, Mr. Gerard and his friends who believe in the rights of the Armenians wish to have the United States subscribe to that provision of the Treaty, and can convince American opinion that it ought to be subscribed to, they will have the hearty cooperation of any person who is interested in the avoidance of national animosities of the Near East. If, however, the isolationist feeling on this point can not be overcome, it is futile to talk of the rejection of this Treaty on the grounds that it does not protect the Armenians.

There is just one other point that I want to make because I have only one minute more, and that is this: If the United States should turn down this Treaty because of hoary prejudices or national pride or an

inherited animosity toward the Turks, in a Presidential year, there must inevitably go abroad among all nations the impression, rightly or wrongly, that any obligation, any international obligation, which is undertaken by the American people on the eve of a Presidential election, is not worth the paper it is written on. And I submit that if the Treaty be rejected, it must be rejected on the basis of its merits, not upon the basis of any such prejudices, or any such national pride, or any partisan considerations whatsoever.

THE CHAIRMAN: Everybody is keeping within his time today. Perhaps some of you in the audience who have brilliant speeches prepared may have time to give them in the discussion period.

The next speaker is Ambassador Gerard who is going to read a letter from Professor Albert Bushnell Hart of Harvard, who, we regret, is unable to be here today.

MR. GERARD: This letter is from Professor Albert Bushnell Hart, Professor of Government in Harvard University:

April 3, 1924.

Dear Mr. Gerard:

It would be a privilege to take part in the discussion of the pending Turkish treaty on Saturday. Unfortunately that is a day of academic duties in Cambridge from which I cannot divest myself.

Perhaps you will allow me to outline briefly the considerations which make it the duty of the Senate of the United States, as representative of the interests of the American people, to refuse its ratification. This is not a controversy with Secretary Hughes or with the negotiators of the Treaty. The country appreciates the services of those public servants; but the Constitution, for reasons which have frequently appeared, gives to the Senate the power to withhold ratification for such reasons as convince the minds of a third of the Senators. We have had several previous instances of great advantage to the country through such action. For example, when the Senate refused to approve the Hay-Pauncefote treaty with Great Britain in December, 1900, Secretary Hay felt that the diplomatic world had come to an end. Being an able and sensible man, however, like the present Secretary of State, he set to work on a revision of the treaty along lines suggested by the Senate; and the result within a few months was a new treaty much more advantageous to the United States and more permanent in character.

The burden of proof for this Treaty is, of course, thrown on its advocates: It was not the wish of the United States to give up the treaty of 1830 or the extraterritoriality which it guaranteed. The United States has taken no action to relieve itself of the obligations of that treaty. The issue was raised solely by the arbitrary and unfriendly action of Turkey in 1914 in declaring itself no longer bound by treaties of that kind with anybody. The assertion that the Turks have a right to create a new diplomatic situation by their fiat is contrary to the principles of international law. Likewise the assertion that other nations, by allowing their treaty privileges to slip away under their very noses, can create a situation which in any way binds the United States, is completely outside of law and common sense. Whatever the changes in the status of Europe, and particularly on the Bosphorus, they were not brought on by the United States. The worst blow that the League of Nations has suffered since the United States refused to join it is the revelation that the European powers, by making a Lausanne

Treaty with the Turks for their private advantage think they can practically compel the United States to follow their lead with a kindred Lausanne Treaty. Never in the history of our diplomacy has the United States permitted a treaty to be so deflected by the interests, compromises and abject surrenders of other nations.

To my mind, after listening to and reading many arguments in favor of the Treaty, the fundamental trouble is that it assumes a state of things in Turkey which does not exist, has never existed, and probably never will exist. The elaborate defenses—were I speaking I would probably say elaborate “white-washes”—of the Treaty on grounds of international law are all based upon the assumption that the so-called republic of Turkey is a modern civilized nation which is capable of carrying out treaty obligations. You would suppose in listening to those arguments that it was a treaty with a steadfast, established, responsible power. Suppose it were thought necessary to revise our treaties with Sweden: We should be dealing with a people with a long history of national experience, national uprightness, and a national intention to carry out its promises. There are no such conditions in Turkey. There is no national government in the sense even of a monarchy. There is no representative assembly. There is no public opinion that can be collected and represented. There is no civil or military authority that could, for instance, protect from sack and destruction the captured city of Smyrna. There is no assurance that the Turks who authorize the signature to the Treaty, will carry out any provision that hereafter may seem inconvenient. The Turks have been making the same kind of promises of good behavior and protection to the foreigner and recognition of the rights of minorities for more than a hundred years, and they have never observed a single one of those pledges.

Of course the extrterritoriality of Americans in Turkey is unusual, but it is not abnormal. We have extrterritoriality at this moment under treaty in China and Siam. It was applied for many years in Japan and not withdrawn till, after a quarter of a century of preparation, the Japanese were able to show to the world a modern system of law, of jurisprudence and of organized courts capable of dealing with the life and property of foreigners. Extrterritoriality corresponded with the conditions in Turkey in 1830; and it likewise corresponds to the conditions in Turkey in 1924.

The Lausanne Treaty would be hard to carry on even with a civilized people familiar with Western law and customs. It contains guarantee for minorities, but no promise of religious liberty to a Turk who changes his religion. Indeed such a clause is unnecessary inasmuch as in one hundred years of mission work not one hundred male, intelligent, responsible Turks have been converted to Christianity. The American schools in Turkey have done a magnificent work, but not one-twentieth part of their students, nor a fiftieth part of their graduates have been Turks. Furthermore, the treaty is saturated with the idea of “Concessions,” that is, of grants of authority to carry on commercial and other enterprises by special privilege. The history of Turkey is honeycombed with those foreign concessions which have been a curse to Turkey because a source of corruption, and an eventual loss to the concessionaires because there is no responsible government in Turkey. In the long run most of the concessions are Dead Sea fruit.

Here we touch upon a difficulty which can not be removed by any changes of language. The European States that signed their treaty, particularly Great Britain and France, thereby turned their backs on their own professions.

The Turks are a criminal nation. It does not appear that any Turkish public leaders, men or women, or any considerable group of Turks have ever objected to the deliberate assassination of the Armenian people, whose chief fault is that they desired that kind of self-government which has made the States of our Union great and prosperous. It has become fashionable in certain sections to deny that there have been any Armenian atrocities. The brutal murder of the Armenian people, which began in 1896 and is not yet quite completed, is as fully established by evidence, as the scenes after the capture of Constantinople in 1453 by the Turks. During the Paris conference the European powers admitted that the Turks could not be left in control of the Armenians. Even the treaty of Sèvres of 1920, which the Turks so reluctantly signed and so airily threw overboard—as they will throw overboard the European Lausanne Treaty at any time they think it safe—was favorable to the Armenians. What has caused the change of front of Great Britain and France, the greatest military power and the greatest naval power in the world? Nothing but the fear that, if they denied the Turk what he demanded, he would assail the British territories in Mesopotamia and the French in Syria. We have nothing in common with that policy, which is intended to protect the approaches to the Orient. There is nothing that Turkey can do to our possessions or our routes of travel which compels us to give in to a self-constituted despotic government which has not as much constitutional foundation as the Russian Soviet. The hundred million people of Great Britain and France, with all their military and naval might, shuddered and drew back before five million uncivilized Turks. Thank God we Americans are not in a situation where we must bow the knee to Baal. Thank God we are free from the embroilments of Asiatic diplomacy. Thank God we are under no compulsion to accept an unfavorable treaty. We do not need it in our business.

ALBERT BUSHNELL HART.

(Applause.)

THE CHAIRMAN: I am sure you indicate that though you have appreciated Ambassador Gerard's expressive reading of this letter, you would have appreciated even more Professor Hart's presence here.

The next speaker has just come back from the Near East. He landed here, I think, on Thursday. How long he tarried in Paris and other way-stations on the way from Constantinople, I cannot say. Perhaps he will tell us that. But he is, as far as I know, one of the latest witnesses from that part of the world. Dr. Albert Staub, who is the American Director of the Near Eastern Colleges, will speak to us for ten minutes. I have great pleasure in introducing Dr. Staub. (Applause.)

D R. S T A U B

MR. CHAIRMAN, ladies and gentlemen: I hope you will pardon me for having prepared my few remarks. I did it to safeguard my time. Little did I realize when having tea the other day, in Switzerland, in the very room where the Peace Pact was negotiated between the Turks and the Allied Nations, that my first public appearance so soon after arrival would be in connection with a meeting on the Lausanne Treaty.

It is not altogether surprising that there should be so many different points of view in public opinion on this question, even among those

who have made a specialty of devoting themselves to the interests of foreign policy, because conditions in the Near East are very complicated. It is, however, a regrettable fact that the ratification of all our post war treaties has divided the country into debating societies, with the unfortunate result that we fail to contribute in a constructive manner to the peace and the stabilization of the world. (Applause.)

We only seem to add to the greater confusion that exists in the minds of the people. In considering this case, we should not have in mind the Ottoman Empire that existed before and during the war, but the Republic of Turkey as it is today. I am not prepared to state that the Turks have perfected democracy, but I am tremendously impressed by the fact that such radical changes have taken place in the Near East in so short a time. The Turkey that I have just seen is fundamentally different from the country I visited four years ago. Very important history has been made, and no thoughtful person can deny that it has resulted in social and political progress. The historians of the future will look back to this period of sudden development with astonishment. Turkish nationalists have accomplished in a short time what it has required other nations hundreds of years to achieve. Every one who studies the situation carefully must realize that a great struggle for national unity is taking place. There have been many mistakes, no one will doubt that. This must necessarily follow in such tremendous social and political changes. But, we must not lose sight of the fact that these very mistakes are symptoms of growing pains. We used to criticize the Near East very freely for being stagnant and unprogressive, and now important changes are taking place so rapidly that we can not fully comprehend them. It is my conviction that, as a result of the World War, all of the countries of the Near East are going forward by leaps and bounds in their desire to give expression to the principles of self-determination which they received from us, and that what is taking place in Turkey is simply a part of the general development.

I wish to illustrate this point by considering for the moment the question of transportation. Instead of going through all of the various stages of the development of transportation, including the trolley car, narrow-gauged railroads and so forth, the people of the Near East have adapted themselves to the use of the automobile. I was surprised to find in the City of Beirut over two thousand registered automobiles, mostly American-made. The people are not contented any longer to go to Damascus by train or to travel about in Palestine by train; they prefer the automobile. The automobile has competed successfully with the railroad. The Palestine Railroad reduced its fares one-half and the Government placed an increased import duty on benzine in order to break up the business of the automobile traffic but was unsuccessful. People still prefer to ride in the automobile. You can go from Beirut to Bagdad in a Buick car in two days, comfortably. The trip has been made in seventeen hours. There is not much talk of a railroad over the desert, but there is talk of convoys of automobiles with specially built equipment for comfort, and that is one of the things that the people are most interested in at the moment. These people whose lives have been steeped in theory for centuries are now becoming practical in their determination to imitate the West, and this is just the time

for us to extend our sympathy in a helpful way rather than adopt an obstructionist policy.

The Turkish leaders in Angora have a very difficult task on their hands. If they succeed in bringing the mass of people up to their conception of the Republican Government, they will perform a modern miracle. Their chances for success will be enhanced if we, who have always had such a high regard for sovereign rights, will have faith in their purpose to improve themselves. A vote of confidence and an expression of hope for success on the part of the American people right now might prove to be just the inspiration that is needed. Certainly nothing constructive can be accomplished by calling them names, and by referring to them as murderers. (Applause.) A better Turkey would be a blessing to the whole world, certainly everybody will admit that. To encourage the Turks in their present reform movement may be the best possible way for us to help the people whose fortunes have been intermingled with theirs for so many years.

I am not so much concerned with the mere proposition of ratifying the Treaty. My plea goes far beyond that. America still has an opportunity to establish the great principles in the Near East for which we stood in participating in the War. Conditions are pretty much the same in Turkey, in Syria, in Palestine, in Egypt, in Mesopotamia, and even in Persia. A new nationalism is in the air. It is a patriotic movement. Old traditions are being brushed aside. The World War has broken down barriers that have stood firm for centuries. These people are looking to the West for help. What is to be our attitude?

All of the other countries are watching with profound interest the experiment that is being made by the Turks in separating Church and State. Moslems, Christians, and Jews are growing closer together in a program for national unity. Turkey is setting the pace for her Moslem neighbors, and I was not surprised to observe that these very neighbors wish her success in her undertaking. Even the Secretary of the Ex-Caliph replied to me the other day in Switzerland when I asked him how His Majesty felt over the deportation: "We believe the leaders in Angora acted upon patriotic motives. The reforms they are bringing about are greatly needed but might have been accomplished more gradually. If they succeed in carrying out their program, the world will give them credit for the great achievement."

In the face of these problems, in the face of these social changes in which the fortunes of a large number of people are at stake, no amount of back-biting is going to do a particle of good. Refusing to recognize the Turks as a civilized nation and urging the non-ratification of the Peace Treaty on these grounds will not help the situation. A constructive plan of cooperation is required, if we are to be of any service to the peoples of the Near East who are groping around in bewilderment, and who are depending upon freedom-loving America for sympathy and for guidance.

Would it be too much to ask those who have assumed the responsibility for molding public opinion in America on the question of the Lausanne Treaty, to study the record carefully of the three American Colleges in the Near East which have done much toward introducing democratic ideals into that part of the world?

We have been guests of the Turks for sixty years. Our Constantinople Colleges have never closed their doors to students of any nationality. They have stood as perpetual Peace Conferences representing at least twenty different nations. It is equally significant that we have never been obliged by the Turks to close our doors for a single day on account of wars or political disturbances. Even during the period of conflict between the various nations, we have maintained ourselves as international institutions. There we stand today, doing business as usual, with almost nine hundred students in the two institutions at Constantinople, among them, I am happy to announce, the brother of Ismet Pasha himself. We are not interested in politics. Our work is that of education. As in days past, we are conforming to the regulations of the established Government. The Turks have faith in us and we have faith in them, because we have faith in humanity, and our sole interest in being in the Near East is to help all of these races to help themselves.

THE CHAIRMAN: The next speaker is Professor A. D. F. Hamlin, Professor of Archaeology at Columbia, who is the son of a former missionary in the Near East, and who was himself born and raised—I don't know whether you say "raised" in New York or not, but we do in Indiana,—perhaps you prefer "brought up"—in the Near East. You will, I know, be interested to hear Professor Hamlin who is to speak for fifteen minutes.

PROFESSOR HAMLIN

MR. CHAIRMAN and friends: I stand here with very great reluctance. I find myself here, the son of the founder of Robert College, myself born in Turkey and in part educated in Robert College, in square opposition to the position that has been taken by the eloquent representative of Robert College who has just spoken, and by his distinguished predecessor, my fellow professor at Columbia, who has spoken in behalf of the ratification of the Treaty.

I am opposed to the ratification of the Treaty for a number of reasons. I shall not take time to state them all in detail. There are one or two considerations that seem to me fundamental. In the first place, in looking through the abstract of the Treaty which was given out by the State Department a few months ago and which was published in the *Times* "Current History," I find that the United States has obtained from the Turkish Government in the negotiations not one single *quid pro quo* for what it has been asked to give up. We have been asked to give up the protection of extritoriality; that is, of the Capitulations under which we have lived in peace with the Turks for the past ninety years. We are asked to give that up, and on what plea? On the plea that we shall receive justice from the Turkish Courts! And when have the Turkish Courts ever dispensed justice, and what possible hope has been extended to the world that they will dispense justice? (Applause.)

Under the present régime, as under any other Turkish régime at present conceivable, justice will be a matter of barter and sale in any Turkish Court, and in any Turkish Court the oath of the Christian receives under the Koranic Law no recognition whatever as opposed to the oath of a Mohammedan. And we are asked to surrender the judicial protection which Americans have enjoyed for ninety years in Turkey, and we are absolutely given nothing in return!

I am opposed to the ratification of the Treaty in the second place because it offers to us, so far as I can discover, not one single effective and enforceable guarantee for the freedom of our educational institutions, or for the protection even of our commercial rights. What is offered is purely illusory. The educational system is left to be considered separately, and we have already seen in the news of what the present Turkish Government has done to Americans and with American institutions, the evidence of what the spirit and attitude of this great "reform" government,—presided over by the Master Assassin of the Twentieth Century,—what it is going to do with American rights. It has interfered with the Y. W. C. A., it has interfered with the Y. M. C. A., and we are told, in support, in advocacy of the Treaty, that it "only interfered for two weeks with the rights of these two institutions"!

Since this Treaty has been negotiated, we have heard of the cynical reply of Ismet to the delegate from the League of Nations, that "they need not trouble themselves about the Armenians, because there were no Armenians in Turkey." That in the face of the terms of the treaties which have already been signed!

This is an evidence of the attitude which the present Turkish Government will take towards the Treaty.

Now, how long will this government last? No one can foresee, but everyone who looks into the situation knows well that the forces are gathering, they are gathering in Switzerland, they are gathering in Asia, for the ultimate overthrow of the present régime. We have a régime which has come into power on the veiled threat of the hostility of the whole Moslem world, if the demands of Turkey were not acceded to; and we find it at the present time overthrowing the religious heads of Mohammedanism, so that now this nation of five or six millions is alienating from itself the sympathy of the Moslems alike of Egypt and of India; and the very thing which is alleged as an evidence of progress is evidence that the Government in its fatuity is pulling out the foundation-stones of its own power.

I am opposed to this Treaty because it takes away from us what we had and it gives us nothing that we did not have before. It is a one-sided treaty. We are told that we should ratify it because England and France and Italy have ratified their treaties, and we who have received no territory from Turkey as they have, who have received no *quid pro quo* for the surrender of rights and privileges which have been immemorially ours, we who have taken no Turkish territory, we who did not declare war against Turkey, we are placed in the position of nations to whom very large portions of the Turkish Empire have been given!

Now I submit that that is the most humiliating position in which this Government has ever been placed by the negotiation of a treaty, and I believe that not only no harm can come to our institutions in Turkey and to our commerce in Turkey (unless it be for a very short period), by postponing the ratification of this Treaty until a better time; but I believe that in the end, the refusal to ratify this Treaty will bring about a final agreement between the two nations which will not have been dictated by Turkey, a country of five or six millions, to the United States with its one hundred and ten millions, the richest and most

powerful State in the world; dictated to the most powerful by the weakest and most pitiable State in the world, the least civilized State in Europe and western Asia. But I believe that by a present refusal we shall in the end secure a treaty which shall be worthy of the dignity and of the strength and of the position of the United States in the family of nations.

I have not exhausted the considerations which in my mind should militate against the ratification of this Treaty, but I will not overstep my time, and I feel that the considerations which I have already advanced are of sufficient weight to halt the ratification of this Treaty until we can negotiate an instrument which, instead of being dictated by the weaker party to the stronger, shall have been negotiated in amity by parties treating each other as equals. (Applause.)

THE CHAIRMAN: The last of the regular speakers is also one who has had experience in the Near East and who represents large missionary interests there and elsewhere. Dr. James L. Barton is the secretary of the Foreign Department of the American Board of Commissioners for Foreign Missions. It is a great pleasure to introduce Dr. Barton. (Applause.)

D R. B A R T O N

MR. CHAIRMAN, ladies and gentlemen: We are not here today to discuss what might have been in Turkey had things gone differently during the last ten years. Neither are we here to prophesy what will take place in Turkey in the near future. I have tried that several times and it has almost always gone wrong. To me it is a significant fact that the people whom I met who are most opposed to the ratification of this Treaty with Turkey are those who have never been in Turkey or who were there a long time ago, and who have no knowledge of the present psychology of the Turk, nor of the organization or the purposes of the present Turkish Government.

Let me enumerate four established facts as a starting point, not dealing with prejudices nor with politics, nor with anything of the kind. The first I would name is: The Capitulations are gone. That is a finished thing, and unless the United States and the other nations are ready to go to war with Turkey, there will never be a return to the Capitulations in the Turkish Empire. Turkey has gained her sovereignty, and now to claim that the Treaty should not be ratified because it recognizes the abolition of the Capitulations is like holding a dugout in a battlefield where the battle was fought and lost fifteen months ago. There is nothing whatever to hold. The quicker we accept the fact that the Capitulations with Turkey under which Americans have lived in Turkey for the last hundred years are no more, will not be restored, cannot be restored, the quicker we will be able to consider reasonably and constructively the question of the Treaty with Turkey.

The second established fact, is that an Armenian national home within the boundary of the Turkish Empire is a closed incident, and however much we may regret it, (and certainly many of us have labored day and night, month in and month out, and year in and year out, in order that the Armenians might have a national home within the boundary of the Turkish Empire), nevertheless that battle was fought at Lausanne and it was lost. Unless America and the European na-

tions are ready to go to war with Turkey in order to reestablish the Armenians somewhere in a national home within the bounds of the Turkish Empire and provide an army to protect them there, no home will be provided. The nations will not go to war with Turkey for that purpose.

We also need to stop pleading old treaties with Turkey—the 1830 treaty and others. I do not propose to discuss the question here, nevertheless the fact remains that the treaty of 1830 has gone. America through its representatives in Constantinople may plead that treaty and insist that the Capitulations referred to in it are now the rights of America in Turkey, they can plead it but only make themselves ridiculous before the Turk and before the world.

The fourth fact is that we have a treaty signed with this Turkish Government. I want to say here, ladies and gentlemen, that the men who negotiated that Treaty in Lausanne were as faithful and loyal American citizens as ever took part in the negotiation of any treaty anywhere, that the work at Lausanne was a work requiring tremendous effort. Night and day those men labored and struggled, and out of that struggle, beginning with November, 1922, and ending in August (with one break) of 1923, they worked for many things that are omitted from the Treaty. They worked for the continuation of the Capitulations for at least five years. They worked for giving the Armenians a national home within the bounds of Turkey. They labored as heartily and untiringly as any man or any woman in this audience would have worked, and as thousands and hundreds of thousands of the people in America would have done. They did finally negotiate a treaty and it is a treaty that does not entirely favor one side.

Do you recognize the fact that Turkey has lost her capital, the most splendidly located of any capital on the face of the earth because of the terms of that Treaty? Do you know that they have been compelled to go into the interior and establish their capital at an interior town upon a branch railway because by the Treaty the Straits were left unprotected? If Turkey had retained her capital at Constantinople, it would be at the mercy of any gunboat of any nation that steamed into the harbor. So, Turkey gave up her historic capital and established herself in the interior of the country.

Let us remember these four facts.

And now we come to the subject of the Treaty: Shall it be ratified or shall it not? I think Ambassador Gerard has quoted me somehow as being on the other side. I never knew it. I have said that it is not impossible that the prejudice of the people of America and the prejudice of the Senate against the history and record of the Turk in dealing with the minority populations may be so great that it will defeat the Treaty, but I never for a moment felt that it was not the duty and privilege of the United States to ratify this Treaty and set it into operation. (Applause.)

It is the best possible treaty that could be negotiated; there is no question in my mind about that. The United States could not have sent to Lausanne men who could have secured from the Turks under the circumstances a better treaty, a treaty that would allow anything of the Capitulations to remain, (that seems to be the one thing that causes more trouble than almost anything else), that could have got

any protection for the Armenians into the treaty. The men did the best they could. We have the best obtainable treaty.

This is the beginning of treaties with Turkey. All the old treaties are done away with, and we start with a new treaty. This is the first of a series of treaties yet to be negotiated. Why, we are not finished yet negotiating treaties with Great Britain. We didn't do it all in the first instance. We are not finished yet negotiating and signing treaties with France. When we entered into our first diplomatic relations with France under treaty, we did not have everything in, but we have been adding ever since. This Treaty once ratified will be the basis for the negotiations of further treaties, and in those negotiations, matters left out from this Treaty can be included. Already they have taken steps in that direction.

This is a limited Treaty. No reference has been made to that fact here this afternoon. There are only two items in the Treaty that are perpetual, the first two items. The first item restores diplomatic relations between Turkey and the United States and provides for the interchange of diplomatic representatives. The second item of the Treaty abrogates the Capitulations and all previous treaties. Those two items stand. Items three to eight, inclusive, are for only seven years. From nine to twenty-eight, inclusive, are for only five years. It is in some respects a trial treaty apart from the first two items. It is a treaty that can be revised before the end of the five or of the seven years. It is not expected that it is a perpetual treaty.

Much has been said about the heads of the American institutions in Turkey. Really, it is interesting to see how much solicitude so many people of the United States today, in their opposition to the Treaty, feel for these American institutions within the bounds of the Turkish Empire.

The heads of the institutions and the teachers in them, so far as I am informed—are in favor of the ratification of the Treaty. They on the ground are the ones who will have to put in practice the terms of the Treaty; they are the ones who will suffer if the terms are not carried out in their application to these institutions. These institutions in many places are filled with students today. They are not all open that were open before the war. They were closed not by the Turkish Government but by the force of circumstances. But they are open, (other than those mentioned by Dr. Staub), filled with pupils today, and the work is going on. The Americans who have charge of that work say that it is quite possible to carry on the work of these institutions under the terms of the Treaty. The missionaries are of the same opinion regarding their work.

The missionaries and these educators are the men and women who must live under the Treaty, and you have already heard that the business men are taking the same position. Is not the evidence of the Americans there on the ground, who have the business interest and the educational interest and the philanthropic interest of the United States within the bounds of the Turkish Empire in charge, who understand the situation as none outside of Turkey who have never been in the country in the last year can understand it—isn't it reasonable to suppose that those people ought to know whether this is a workable treaty, whether American institutions and American business inter-

ests can be carried on under the terms of the Treaty? They say the Treaty ought to be ratified, and they say they will get on with their work under the new conditions. They also urge the importance of early ratification.

Doing away with Capitulations is not a new thing. Siam has done away with Capitulations or with extritoriality. I remember very well when the question was up as to a treaty with Japan some years ago, under which the extritorial terms were to be abolished, many foretold the dire disaster that would take place in Japan if extritoriality were abolished. I was in correspondence with about a hundred Americans during that time, and I never heard one word of complaint of the unjust actions of the Japanese courts, or the cruelty of their laws.

Americans in Turkey are ready to stay under the Turkish Government, to take their chances with the Turkish Government and Turkish law, believing that they can carry on.

Just one thing more, Mr. Chairman. Turkey is striving to win her position among the nations of the world. At Lausanne she did win the diplomatic battle. She won her sovereignty. It was the one thing she demanded at Lausanne. It was the one thing that she was ready to go to war for if it were not granted. It was granted. Turkey is a sovereign state, and Turkey feels and knows that she is on trial before the world. There is no question that if she fails now as a sovereign state, she loses her last chance to gain and hold a position in the international world.

As to the abrogation of the Caliphate,—it has been my privilege to read some of the debate that took place in Angora over the question as to whether the Caliph shall be expelled and whether the Caliphate shall be abolished. The Turks in Lausanne told the Allies and the representatives of the United States that Turkey has separated Church and State, that the State centers in Angora, and the Church, in the person of the Caliph, centers in Constantinople. They said, "The separation has actually taken place. The State no longer dictates to religion within its area, and religion no longer dictates to the State."

They went back to Angora. They endeavored to make laws that would harmonize with the laws and the civilization of the Western world. On every turn they were met by the representative of the Caliph who declared such laws to be contrary to the teachings of Mohammed and of the Koran and the traditions of Islam. There was no way that the Turks could keep faith with the pledges given at Lausanne, there was no way in which they could set their house in order, revise their laws, court regulations and procedure except by removing from Turkey that obstacle in the name of Mohammedanism that prevented them from keeping their promises. So they voluntarily abandoned their traditional and religious hold on the Mohammedan world, on two hundred millions of Mohammedans scattered across the world. In driving out the Caliph, they abrogated their religious power over the Mohammedan world, and virtually said, "We will be a State without the dictation of the Church." And so by abolishing the Caliphate and by sending the Caliph adrift, they put themselves in a position to legislate without being hampered by the objection of the Mohammedan official censor.

For these and many other reasons that might be given, it seems to me that it would be wise for the United States to ratify this Treaty and do it at once. England and France have not yet ratified the Treaty, I understand, but I have been informed on what seems to me good authority that they will ratify it. The attitude of the Turk toward the United States is more friendly than that toward any European nation. America never took any territory from Turkey. America has no territorial ambitions for the Turkish Empire, and the Turk knows it. If America will ratify the Treaty and perhaps be the first to do it, it will put America in a position for further favorable negotiations with the Government for other privileges than those which are granted by the present Treaty, and will put us into relations with Turkey that will be of benefit to the American institutions in Turkey and to American trade.

I would be the last in the world to plead for special favors for American missionary work in Turkey or for American institutions; but I plead for American interests, some of which are in these institutions and some of which are in American trade, and I believe they can be protected best by the early ratification of this Treaty. (Applause.)

THE CHAIRMAN: The Chairman, keeping time very rigorously to-day, has now discovered that Professor Hamlin did not use all his time by some six minutes. Therefore, after consulting with Mr. Hamlin and Mr. Gerard, he is asking Mr. Henry W. Jessup, a distinguished member of the New York bar, whose father also was a missionary in the Near East and who himself was brought up there, to use up that unused time, but please not use any more. (Applause.)

MR. JESSUP

YEARS AGO, when I was an enthusiastic young lawyer in New York, I joined a political organization. There was a Congressional campaign, and the party in my district nominated for Congress a man who didn't know any more about the mercantile, commercial or financial interests of this great metropolis than a laborer in the subway. I thought it was my duty, and I had the impudence, to write to Senator Platt who was then the leader of the organization and point out to him this significant occurrence, and say that I thought it was his duty, as leader of the party, to exert his influence in order that the great interests of New York City might no longer be entrusted solely to the protection of New England or upstate statesmen.

I received by return mail a communication from Senator Platt saying, "Dear Sir: I am glad to receive your favor of the—inst. The sentiments which you express do you infinite credit as a man, but betray a lamentable ignorance of practical politics." (Laughter.)

Now, I was born in the Turkish Empire. I was nursed at the bosom of an Arab foster mother. I grew up for fourteen years in Turkey, and I have been in touch week by week ever since, during a life of sixty years, with affairs in the Turkish Empire.

I haven't the official, technical, administrative knowledge which some of the speakers who have addressed you have with regard to the interests of particular institutions, but it was my sainted father, Henry Harris Jessup, who conceived the idea of the Syrian Protestant Col-

lege and started Daniel Bliss on his great career as a Christian educator. (Applause.) I know what Christian missions mean; I sympathize with their purpose, and I repudiate any idea that I am hostile to the welfare or the progress of Christian institutions in Turkey—I think you may take that for granted. But I want to start with a couple of facts.

Francis Patton, ex-president of Princeton University, would start with something that none of his hearers could dispute, and then would lead them on with that familiar dialectic of his until they were committed to some abstruse theological problem. I am not going as far as that, but we will start with two facts: The ass in the lion's skin is still an ass. Nobody will dispute that. That is a biological fact. The wolf in sheep's clothing is a wolf still. I tell you, I would like to paraphrase that old saying—*timeo Danaos et dona ferentes*—to read *timeo Turkos et sheep-skin ferentes*. What is the use of denying the facts?

We are asked to strike hands with these murderers. That is the situation. We are asked to enter into a treaty of amity and peace with men who have demonstrated, through the ages, their incapacity to keep an international contract, to observe the sanctities of civilized society.

Just let me read you something. Here is a letter from the State Department:

The broader tendencies developing in the Near East and the moral suasion of the Christian treaty powers must be trusted finally to prevail to reconcile the opposing factions.—[This was after an Armenian massacre.]—This is no longer a question, however, of dealing with a Government implicated in these massacres. It is earnestly believed that the best course now for the betterment of the unfortunate people concerned is to exhibit a degree of confidence in the newly-established constitutional Government whose sultan has solemnly proclaimed to Parliament his horror over the awful slaughter among his subjects, his firm intention to punish the guilty and his purpose to use his fullest powers to maintain peace, justice and tranquillity throughout his dominions. This hopeful promise of reform seems to be confirmed by the recent official reports from Turkey that the constitutional Government is taking vigorous measures, etc.

This was not written yesterday. It was written in 1909 when the American Government was asked to protest against the recent Armenian massacres, and the State Department still has the same fundamental lack of knowledge of the Turkish and Oriental mind. They don't know it, they don't appreciate it. They are treating with them as if they were a civilized European Government. They are according them faith and credit as if they believed that the Turks were willing and anxious and ready to perform what they on paper will always promise to perform.

If this is a temporary treaty, as Dr. Barton styles it, why be in such a hurry about it? The Americans are there now under Turkish law and you propose to agree that they shall remain under Turkish law. What is the advantage of cementing and crystallizing that situation? That is where they are now.

My point is this, that there is the Turk character, unchanged, unchangeable through the ages. So far as the Turk is still thoroughbred, he is to be found only among the peasantry of Turkey. There you

find the simple, honest, stolid disposition of the thoroughbred descendant of the original Turk. But the official and governmental Turk is a hybrid. He is a mule among nations. You can't deal with this man who has this sheep-skin, or shall I say the veneer of suavity and almost gentleness that would deceive the very elect. I say St. Paul had him sized up when he said, "Though I speak with the tongue of men and of angels and have not charity, I am as a sounding brass and a tinkling cymbal." Don't you believe them. Don't you trust them.

Now, what is their attitude? What is the history of the Lausanne Treaty? What is the time table of that Lausanne negotiation? Didn't the American negotiators stand for an Armenian home, or rather for the recognition of the Armenian home already delimited by President Wilson as arbitrator of this League of Nations and of the Supreme Council of the League?

When the Turkish Pasha at Lausanne said—and listen to the arrogance of it (was it a case of *post hoc* and therefore *propter hoc* that the American negotiators then withdrew their demands?): "If the United States will make that demand at Alexandretta with 100,000 men, we will fight them. If they will make it with 250,000 men, we will discuss it with them." No plenipotentiary of a conquerer, dictating a peace, could have spoken with a serener insolence than that.

Now, it is with those men that we are proposing to make this temporary treaty. I object! (Applause.)

THE CHAIRMAN: It begins to look as if differences of opinion must be developed here if we are to continue this discussion. Our time schedule which we have kept very punctiliously to-day, requires us to close before four o'clock. Now is the period of questions and discussion. Questions addressed to any of the speakers on any of the points that they have made, or on those which they failed to make, would be welcomed by the Chairman.

MR. DAVID HUNTER MILLER: I would like to ask a question about the trade figures that were mentioned if I may. I would like to ask Professor Earle whether it is not a fact that those figures for 1919 to 1922, inclusive, which seem quite large, were figures of trade during the period when the Allied forces, the Allied fleets and the Allied armies were occupying and controlling Turkish territory? And is it not a fact that the figures since published by the Department of Commerce for 1923 are somewhat less than one-third of the figures for 1922?

PROFESSOR EARLE: It is true that the figures cover the period of the Allied occupation. As to the additional question of the figures of 1923, I am sorry I can't say. I attempted to obtain those figures and was unable to do so. I obtained the figures for 1919-1922 from the American Chamber of Commerce for the Near East. I am sorry that I can't answer the additional question. Presumably Mr. Miller has the information; at least he seemed to indicate so.

THE CHAIRMAN: I am going to give Mr. Miller a chance in a moment to say a word on that, but I wonder if we could have a few more questions first?

MR. HENRY HARDON: The recent contributions to this discussion consisted in the charge that the Turkish nation was a hybrid nation. For a

moment I was somewhat swayed by that, but may I ask the speaker if he can think of any better examples of hybrid nations than, first, the British nation, composed of Angles, Saxons and Normans; and, secondly, the American nation composed of some forty-five to sixty or a hundred and sixty nations?

MR. JESSUP: The answer can be made in one sentence.

MR. HARDON: May I remind the distinguished lawyer that if it is possible to answer that question by the word "yes" or "no," that is the best answer he can make?

MR. JESSUP: This not being a court of law, the objection is overruled, and the answer can be given in one sentence. The English people and the American people are the result of monogamous marriage and the sanctity of "home," and the Turk is a hybrid because he is the descendant of a man who captures and ravishes his wives, as many as he will, under his Islamic law, and brings up children of nationalities thus mongrelised under the compulsions of a religion fastened upon them by force. (Applause.)

MR. HARDON: I have only a word to say, and that is, and I rather think Ambassador Gerard will corroborate me, that if I were sitting as a judge and an objection was made to that answer on the ground that it was not responsive, I should sustain the objection. (Laughter.)

MRS. G. W. B. CUSHING: May I ask if there is entire religious freedom in the teaching of these colleges? It seems to me I saw the other day that the teachers in one of the Christian colleges were obliged to teach the Mohammedan religion. Is there entire freedom of teaching in these Christian colleges?

DR. BARTON: Religion is excluded from all of the schools of Turkey. Mohammedanism can not be taught in the schools; neither can Christianity, but Christianity can be taught in places of worship that are erected for the purpose of Christian worship and Mohammedanism in places that are erected for the same purpose. The schools are non-religious, as they are in Massachusetts and some other states.

MRS. GEORGE WYETH: I would like to ask, perhaps Dr. Barton can answer it more nearly than anybody else, whether in the nineteen years that the other countries have had these extraterritorial rights, the Turk has observed them faithfully, and if the Turkish Government has observed those rights over such a long period, is that not perhaps an earnest of her willingness to observe any other right that she may grant under the present Treaty?

DR. BARTON: I think I can answer in the name of the missionaries who have lived in Turkey from ten to forty years, that there has been no special complaint against the way in which the Turks have observed the laws of extraterritoriality, although they have wished to have the laws removed as the Chinese do to-day and as the Japanese did before it was accomplished.

MR. REZMIE: Two of the speakers this afternoon have mentioned the fact that in the Turkish courts, the Koranic law prevails, and the evidence of two women is counted as equal to that of one man. I wish to ask these two gentlemen whether they know that under the laws passed in the Angora Assembly on March second, side by side with abolishing the Caliphate, the *shariat* is also abolished, which is that part

of the Koranic law which relates to the Moslem jurisprudence? If that is a fact, then it is obvious that henceforth in the Turkish courts, the provisions of the Koranic law which regard the vote of two women equal to that of one man, shall not be observed, and the Koranic law shall not interfere with the dispensation of even-handed justice to the Christians as well as to the Mohammedans.

DR. HAMLIN: I simply wanted to observe that if the *shariat* code has been abolished, it would appear to leave the so-called Republic of Turkey without any well-established code of law upon which any Christian or foreigner or Turk can rely. Our codes of law are not the products of one legislature drawn up in a month or a few months. Our codes of law have grown through years and centuries of practice, and it would be very interesting to know upon what code the Turkish courts are going to depend—having abolished the *shariat*—in their handling of cases either of their own subjects or of foreigners.

MRS. ALMA GLUCK ZIMBALIST: Since our extraterritorial rights have been abrogated, has there been any effect either to our advantage or disadvantage?

THE CHAIRMAN: Mr. Miller denies that they have been abolished. Will you say a word on that, and then we will come to Mrs. Zimbalist's question.

MR. MILLER: I deny that the Capitulations have been abolished so far as the United States of America has been concerned. That was the position of the Department of State throughout these negotiations. It is the position, as I understand it, of the Department of State today. It is the position of this proposed Treaty which purports to abolish them. Why abolish them if they have already been abolished? As a concrete illustration, I will say to you that there are two men now serving in Atlanta penitentiary who were convicted since this theoretical abolition of the Capitulations, who were convicted in Turkey by consular courts under the Capitulations.

DR. BARTON: I have heard no complaint whatever in corresponding with seventy-five or a hundred Americans in different parts of Turkey, no complaint whatever of their treatment by the Turkish Government since the Capitulations ceased to be applied following the signing of the treaty at Lausanne in August of last year.

THE CHAIRMAN: I am faced with a dilemma here. I have a note from Mr. Horace G. Knowles, who is the counsellor of the Ottoman American Development Co., commonly known as the Chester concession. He asks, quite properly, the privilege of replying to a statement about his company made by Mr. Gerard. My dilemma is this: I feel that Mr. Knowles must have a very elaborate case to present. Yet I can give him only two minutes and a half. If he can make his reply in that time, I should be glad to have him speak now.

MR. KNOWLES: Mr. Chairman, ladies and gentlemen: As a member of the Foreign Policy Association and counsel of the Ottoman American Development Co., the owner of the so-called Chester concession, I think besides being a duty on my part, it is only fair to both that concession and the Company owning it, and also to you, as listeners to this discussion today, that I should correct a statement made by, or rather I should say a misunderstanding which Mr. Gerard ap-

parently has in regard to the ownership of the Chester concession. Mr. Gerard stated that the Chester concession was sold to Canadians for \$300,000 and a 10 per cent interest. That was published in the newspapers, it is true, but it is not a fact. The Chester concession was never out of the control of Americans. That was the express condition upon which the Turks granted that concession. The Turks desired to get away from the harmful association with and control of their resources by European governments and their baneful influence, and it was because of that and their confidence in the people of the United States, and believing that in any arrangement that they would make with the American people, they would be treated fairly and be given a square deal, that they varied from the customary way in which they dealt with matters of that kind, and decided to grant that valuable concession to Americans.

The concession has never been out of the hands of Americans and to-day I am glad to say that it is more than ever in their control. A majority of the shares of the Ottoman American Development Co. belong to Americans, actual residents of the City of New York, and it will remain here notwithstanding the persistent and insidious efforts of certain unscrupulous persons and interests to interfere with the desire of the Turks that this valuable concession shall be developed by American capital and remain in the hands and control of Americans. In spite of the effort on the part of one of the largest industrial concerns of our country to have the Turkish Government cancel the Chester concession I believe it will "carry on" and ownership of it continue to remain here.

Development work has been going on under very great handicaps by the American owners of the concession whose desire is to do good to Turkey and to reflect credit upon their own country. Railroad construction has begun. A telegraph and telephone system is about to be started. The radio features and rights of the country are about to be exploited, and the Chester concession, as a whole, instead of deserving to be odiously spoken of by our enemies and thought of by you, will, I believe, in the course of a very short time, deserve the good opinions of all Americans and the lasting gratitude of all the Turks. (Applause.)

THE CHAIRMAN: Five minutes more! I have a question here which looks interesting though I a little regret that it's addressed to the people who have been answering most of the questions. It is this: Is the purpose of the missionary schools in Turkey to-day a missionary purpose? I take it Dr. Barton should answer that.

DR. BARTON: Decidedly a missionary purpose.

PROFESSOR W. L. WESTERMANN: I should like to ask a question and have it answered by a lady who sits at the speakers' table, Miss Barnette Miller. If she does not know the answer, I should like to have it put to Dr. Barton. What is the attitude of the present Turkish Nationalist Government upon monogamous marriage?

THE CHAIRMAN: I am told that Miss Miller prefers not to answer it. What about you, Dr. Barton? You are second choice, but I hope you don't mind.

DR. BARTON: That matter was discussed at length at Lausanne, and the Turks declared that one of the first things they were to do was to establish a law of marriage of one man and one woman. You remem-

ber that the American papers were filled with the protests that were raised against that attitude because of its being non-Mohammedan or anti-Mohammedan. I have no question of the attitude of the men who were at Lausanne, and of the leaders of the present Government, that they intend to establish monogamous marriage for all Mohammedans as a law of the country.

MR. KOHLER: I want to ask whether our own attitude toward the Armenians hasn't been detrimental to their interests in Turkey. I refer particularly to the fact that recently, a year or two ago, when Congress was asked to exempt Armenians from the quota laws as sufferers and refugees from religious persecution, the proposition was rejected. And, on the other hand, we have recently had a decision handed down in Chicago by a Federal Court there that Armenians are not qualified to be naturalized because they are not white persons under the naturalization law. And recently it was held that the Armenians who have secured naturalization and who for decades thought they were citizens of the United States are not citizens.

MR. HENRY D. ASHTON: I can quote in answer to that question, although it doesn't answer all its points, Mr. Carey Stejian, who is a vice-president of the largest bank in Turkey, and an Armenian. He said that all of the calamities that have been visited upon the Armenians in the recent troubles that they have had can be directly traced, in his opinion, to the interference of Western nations in their affairs. He said that the best thing that any American returning to this country could do would be to voice that to as many people as possible, and to tell us to cease our interference with those affairs on account of the great activities that have been carried along over a period of more than fifty years. Enormous sums of money have been spent in this country to finance anti-Turkish and anti-racial propaganda and it was on that account that the Turks were provoked to commit those terrible massacres that have occurred, and it has done more harm than any other thing in the world, the interference of Western nations in the affairs of those people in the name of protecting Christianity.

THE CHAIRMAN: Mr. Ashton who answers this question I think also asks one, and therefore I am going to give somebody here at the table the same amount of time to answer Mr. Ashton as he took.

MR. GERARD: As I understand the gentleman who has just spoken, he takes the attitude that if you criticize a man for committing a murder, you are only encouraging him to go on and commit another murder, and therefore you should never speak against him at all.

The whole history of Turkey with reference to the Christian population has been a history of one massacre after another. We took no definite stand in this country, there was no great public agitation in favor of the Armenians or the subject races of Turkey before 1914. All of you ladies and gentlemen here know that. And after 1914 and during the war, according to General Harbord, Ambassador Morgenthau and other authorities, 800,000 of our fellow-Christians were murdered in cold blood. Now, are we to sit down and permit a nation to do that without criticism and merely enter into a treaty of peace and amity with them, saying, as Professor Staub said,—a man has committed murder but you mustn't call him a murderer, and he seemed to imply that the possession of a Ford car washed away the guilt of blood.

THE CHAIRMAN: The meeting is adjourned.

MR. WHEELER'S STATEMENT

Mr. Everett P. Wheeler was also asked to speak upon this subject but the limitations of time did not permit the Chairman to call for the actual presentation of the statement which he had prepared and this is, therefore, now printed as part of the proceedings:

A REFERENCE to some elementary principles of international law will clarify the situation. The treaties of 1830 and 1862 between the United States and Turkey are binding on the Angora Government. Chancellor Kent thus states the rule (1 Comm. 25):

And it is well to be understood, at a period when alterations in the constitutions of governments, and revolutions in states, are familiar, that it is a clear position of the law of nations, that treaties are not affected, nor positive obligations of any kind with other powers or with creditors weakened, by such mutations. A state neither loses any of its rights, nor is discharged from any of its duties, by a change in the form of its civil government. The body politic is still the same, though it may have a different organ of communication.

The condition of the European nations that declared war upon Turkey is different from that of the United States. As to them, Chancellor Kent thus states the rule:

As a general rule, the obligations of treaties are dissipated by hostility, and they are extinguished and gone forever, unless revived by a subsequent treaty. But if a treaty contains any stipulations which contemplate a state of future war, and make provision for such an exigency, they preserve their force and obligation when the rupture takes place.

The United States never declared war against Turkey and this latter rule therefore does not apply to us. The treaty of 1830 provided that "*American citizens established in Turkey shall not in any way be vexed or molested and shall not be disturbed in their affairs.*" These rights were confirmed by the treaty of 1862. Article VI of the Constitution of the United States provides that "the treaties made or which shall be made under the authority of the United States shall be the supreme law of the land." By Section 3, Article II, it is provided that "the President shall take care that the laws be faithfully executed." For this purpose by Section 2 of the same Article it is provided that he shall be commander-in-chief of the army and navy of the United States.

With these fundamental principles in mind I submit that it is the duty of the President to see that the rights of American citizens in Turkey under the treaties before mentioned are protected and that reparation be made for the injuries that have been inflicted, and if necessary for this purpose, he should use the army and navy and exercise the right which he has by international law as stated by Vattel: "Whenever a sovereign can by the way of reprisals procure a just recompense or a proper satisfaction, he ought to make use of this method." The rights which purport to be conferred by the Lausanne Treaty are inferior to those conferred by the treaty of 1830. Why should we give them up? If the Angora Government refuses to respect their former treaties, how can we expect that it will respect the latter?

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